Nova Scotia Human Rights Commission
Annual Accountability Report
for the Fiscal Year 2013-2014

July, 2014

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ACCOUNTABILITY STATEMENT

The accountability report of the Nova Scotia Human Rights Commission ("HRC") for the year ending March 31, 2014 is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the HRC's Statement of Mandate information for the fiscal year 2013-2014. The reporting of outcomes necessarily includes estimates, judgments and opinions by HRC management.

We acknowledge that this accountability report is the responsibility of HRC management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the HRC's Statement of Mandate for the year.

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Honourable Lena Metlege Diab
Minister Responsible for the *Human Rights Act*

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Tracey L. Williams
Director and CEO NS Human Rights Commission

MESSAGE FROM THE DIRECTOR AND CEO

I am pleased to present the Accountability Report of the HRC for fiscal year 2013-2014. This report provides a summary of the HRC's accomplishments in fulfilling its commitments under the 2012-2013 Statement of Mandate.

The HRC strives towards excellence and best practices in promoting and protecting human rights in this Province. Our commitment in this regard has seen the HRC make continued improvements in all facets of its strategic goals. The year 2013-2014 marked the second year of the HRC's new strategic plan and the second full year of implementation of our new approach to dispute resolution. This approach is underpinned by the application of restorative principles to our work. It is the goal of the HRC that this approach will improve the dialogue between parties to a human rights complaint by focusing on the relational aspects of the issues presented, maximize efficiencies, reduce wait times and ultimately better serve the citizens of Nova Scotia.

The Commission's accomplishments are highlighted in this report. The implementation of the restorative approach to dispute resolution is producing positive and tangible results. Last year our backlog of intake files was eliminated. This year we have seen wait times for completing investigations of human rights complaints reduced from approximately three years to eight months. Empirical evidence of the effect of the "restorative approach" is still being collected. We have embarked on an evaluation of our new processes and anticipate completing our assessment and having the results available for the public in the next fiscal year.

The NRHRC is pleased to announce that it hosted a successful national conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA) in Halifax in May of 2013. This was an opportunity for the various advocates, academics, representatives of governments and other stakeholders to meet and exchange ideas and experiences in the field of human rights.

Also in May 2013 our Consumer Racial Profiling report was released. This was a compelling report. The first of its kind in Canada, it spoke to issues that affect people on a daily basis. The HRC is working with all stakeholders affected by this report to address the issues it raises.

The HRC continues its dialogue with partners, stakeholders, government and Nova Scotians in general to promote inclusivity and equality for all.

My sincere thanks go to the staff, management and Commissioners for their commitment and hard work to ensure the best possible service to the public throughout this period.

Sincerely,

Tracey L. Williams
Director and CEO NS Human Rights Commission

I. INTRODUCTION

This document reports on the goals, priorities and performance measures identified in the HRC's 2012-2013 Statement of Mandate. The Statement of Mandate is available on the HRC's website at http://humanrights.gov.ns.ca/publications-reports-and-plans.

Throughout the year, the HRC maintained a diverse staff and continued its commitment to a positive and professional working environment. The HRC had a staff complement of 24 people working in three regions of the province: Halifax, Sydney, and Digby. There are four management positions, all located in the Halifax office.

Program Progress

Throughout 2013-14 the HRC continued its implementation of its new model for dispute resolution which approaches issues through a restorative lens. This approach is informed by a recognition that interactions between people are relational in nature but that accountability for actions and consequential harms is necessary. It also recognizes that communities, not just individuals, have an interest in human rights issues and how they are resolved.

Budget

The HRC had success in meeting its budget targets during 2013-2014 due to improvements in efficiencies. Boards of Inquiry costs continue to challenge our budget. A Board of Inquiry is the final stage in the processing of a human rights complaint and a Board of Inquiry (that is, a hearing process) is run by an independently appointed Board of Inquiry Chair. The HRC pays all of the costs of the Board of Inquiry including room rental, transcription costs, travel expenses, and per diem fee for the Board of Inquiry Chair. The HRC has no control over the length and complexity of the process as this is within the control of the independent Board of Inquiry Chair. In this sense, it has no control over this budget expenditure although it is able to reduce the costs by, for example, renting cost effective space for the hearings.

The HRC's actual expenditures in fiscal year 2013-2014 equaled its authority which was $2,449,000.

II. PROGRESS AND ACCOMPLISHMENTS

The Commission's Statement of Mandate, contains three strategic goals. What follows are highlights of the major initiatives undertaken to achieve the priorities set by the HRC in support of these goals. The performance measures for the three priorities are reported in Section IV.

The three strategic goals are:

Strategic Goal 1. Identify, Address and Operationalize Priority Human Rights Issues

The HRC continued its work with government and stakeholders regarding citizenship and immigration issues. Human rights issues for new immigrants to Nova Scotia are an issue for the Commission particularly in light of the recommendations contained in the recent report, "Now or Never: An Urgent Call to Action for all Nova Scotians" and the importance placed upon immigration. The HRC will continue its work with governmental partners such as the Nova Scotia Office of Immigration, Immigration Settlement & Integration Services and community leaders to support our new citizens.

The HRC views issues facing First Nations communities in Nova Scotia as a priority. In response the Commission has created a new position for a full-time Mi'Kmaq/aboriginal Officer. This individual will liaise with the various First Nations within the province and provide human rights education and support to these communities. The expectation is that this position will be filled in the next fiscal year.

Building upon the Commission's restorative approaches it has identified the need to explore a community based restorative dispute resolution process. This is based upon the recognition that human rights matters can affect not only individuals but also the community at large. The Commission's intention is to employ research, consultation, design and testing to respond to community based critical human rights issues.

Strategic Goal 2. Fully Integrate Restorative Approaches into the Commission's Work

The HRC continued to meet with several key stakeholders to engage in discussion, provide information and in some cases training regarding the Commission's restorative processes. These included counterparts from other Canadian jurisdictions, members of the public, colleagues in government, lawyers and human rights advocates. Of particular note is that a member of Commission staff, as part of a Nova Scotia delegation, met with counterparts from New Zealand to discuss mutual understanding of restorative approaches and the benefit of their use in human rights practices.

Following on last year's work to develop a qualitative framework to measure the impact of restorative approaches to dispute resolution the HRC undertook a process to develop an evaluation framework for its program. We have engaged outside expertise to assist us in our efforts. Using tools such as logic models we are beginning to map our progress and evaluate our outcomes.

The HRC has employed a full time restorative facilitator to assist in its processing of boards of inquiry. The reduction of files at the dispute resolution level has translated into an increase in boards of inquiry that have been struck and correspondingly has increased pressure on the resources of the legal unit. The legal unit is striving to integrate restorative approaches in all aspects of its work and the assistance of a restorative facilitator has bolstered its capacity to respond to this challenge.

The HRC began to develop an internal dispute resolution policy using restorative approaches. A cross-staff working group has been created to lead this work. The outcome is expected early in the new fiscal year. It is hoped that the policy will become a best practice guide for government and others interested in the issue of workplace conflict resolution.

Strategic Goal 3. Advance Dialogue and Human Rights Practices

The HRC continued to provide human rights education, information and policy consultation to its partners and stakeholders such as government, members of the public, members of the business community and students.

As part of its ongoing commitment the HRC hosted two regular but important annual events. One is the December 10 celebration of International Human Rights Day. The other is the March commemoration of the International Day for the Elimination of Racial Discrimination.

The HRC continued its work in the field of disability rights. It continues its collaboration with academics and key stakeholders to heighten awareness of the UN Convention on the Rights of Persons with Disabilities to examine and promote accessibility issues.

In May 2013 the HRC released a Consumer Racial Profiling report. This was a unique report, the first of its kind in Canada, and spoke to issues that affect people on a daily basis. The executive summary of the report was released in three languages, English, French and Mi'Kmaq. The HRC began working with stakeholders affected by this report to address the issues it raises. In particular the Commission began a dialogue with the Retail Council of Canada.

In May 2013 the HRC hosted the annual national CASHRA conference in Halifax. This was an opportunity for the various advocates, academics, representatives of governments and other stakeholders to meet and exchange ideas and experiences in the field of human rights.

The HRC joined with other human rights agencies across the country to focus on First Nations issues such as missing or murdered aboriginal women and funding formulas for child services provided to these communities.

The HRC continued its collaborative work with government, academics and stakeholders to promote diversity and a culture of acceptance and equality. The Commission continued with its seat at government's Diversity Round Table. A member of the HRC was voted in as a member and co-chair of the council for the Government Employee Lesbian, Gay, Bisexual, Transgender/Transexual and Intersexed (LGBTI) network. A member of the HRC continued to represent as an active member of the African Canadian Women in Public Service organization. The HRC continued to work with Partners for Human Rights and, together with the Disabled Persons Commission and the Collaborative Partnership

Network and co-sponsored the annual symposium on inclusive education and employment.

III. FINANCIAL RESULTS

N.S. Human Rights Commission		
	2013-2014 Estimate ($ thousands)	2013-2014 Actual ($ thousands)
Gross Program Expense	2,449	2,448.9
Salaries and Employee Benefits	1,853	1,717.2
Funded Staff (FTEs)	23.5	21.1

IV. PERFORMANCE MEASURES

The measures in this report come from the HRC's 2013-2014 Statement of Mandate. The HRC has three strategic goals which are already listed above and were grouped under three priorities.

These priorities are as follows:

- Addressing Priority Human Rights Issues
- Integrating Restorative Approaches in the Commission's Work
- Advancing Human Rights Dialogue and Practices

Priority #1

Outcome: Addressing Priority Human Rights Issues

Measures:

a) Reporting to Commissioners
b) Obtaining Commissioner approval as to identified policy priorities
c) Providing status updates

What do these measures tell us?

For the public to have confidence in the HRC's ability to resolve human rights disputes, the organization must not only carry out its mandate under the *Human Rights Act* but must

also be seen to carry out its mandate. The HRC operates with limited resources. Therefore it is necessary to identify and prioritize key human rights issues. This requires a form of reporting to the Commissioners.

The Commissioners are the policy making body of the HRC. As such their approval is necessary to identify and operationalize or address priority human rights issues.

Status updates are necessary to ensure best practices and maintain proper evaluation of the work of the HRC.

Where are we now?

The Commissioners meet six times per year. During these meetings they consider human rights complaints. It must be noted that the mandate of the Commissioners as provided for in the *Human Rights* Act is much broader than acting as the gatekeeper for complaints. The Commissioners also have a broad policy mandate in such areas as public information and education, research, engagement with academics and members of our communities and advising government. Due to the positive effects of the implementation of our restorative principles resulting in a dramatic reduction in file backlog, the Commissioners have been able to turn more of their attention to policy considerations. They hold regular policy discussions which determine the direction of the Commission. In turn it is for the administrative staff to operationalize these policy decisions. A procedure has been developed whereby a report is provided to the Commissioners in advance which speaks to the HRC's commitments under its Statement of Mandate.

Minutes of the meetings are maintained for record purposes and action items are created delegating responsibility for Commissioner decisions. As part of the regular reporting process status updates and progress reports are provided to the Commissioners regarding the key human rights issues. These reports and the records of the Commissioner decisions are used for evaluation and review purposes.

Where do we want to be in the future?

Human rights issues are constantly evolving and changing. It is necessary for the Commissioners to meet regularly in order to consider current trends. The current reporting and record keeping methods are working. They enable staff to perform their tasks and report on progress. Consideration is being given to reporting by electronic means in order to increase efficiencies and take into account environmental interests.

Priority #2:

Outcome: Integrating Restorative Approaches in the Commission's Work

Measures:

a) Expand the use of restorative approaches

b) Adopt communication initiatives around restorative approaches
c) Provide reports and status updates

What do these measures tell us?

The integration of restorative approaches is a cornerstone support in the Commission's work. It is vital that the public, government and all key stakeholders gain knowledge of these approaches, how they affect the work of the HRC and the benefits of their application.

Where are we now?

The HRC has been expanding the use of restorative approaches in all aspects of its work. Restorative principles now anchor all components of the dispute resolution process. These principles are being fully integrated into the work of the Race Relations, Equity and Inclusion (RREI) unit. The legal unit has continued its work to bring restorative approaches to boards of inquiry (BOI's). Approximately 30% of the BOI's are now using a restorative approach in one form or another.

Each unit has developed a communications component that highlights restorative approaches. The dispute resolution team communicates their work to all clients of the HRC and to others who may be involved in a human rights complaint. In addition they have made significant progress in communicating the benefits of these approaches to other human rights agencies across Canada, governments, strategic partners and even to human rights advocates on an international level. The RREI unit communicates restorative practices to the people and organizations to whom they provide human rights education, within government through its participation at the Diversity Round Table and by other means and to the public in general. The legal unit has provided education regarding the approaches to the legal community at large including such organizations as the Department of Justice, the Nova Scotia Barristers' Society and the Canadian Bar Association.

The benefits of the expansion of restorative approaches is tangible and capable of demonstration. In the Dispute Resolution unit the time taken to complete an investigation of a human rights complaint has been reduced by approximately 75% (from over 3 years to 8 months). Additionally the new model is proving highly successful in resolving complaints without the necessity of a formal BOI. The legal unit continues to report that for BOI's using restorative approaches inquiry time is being reduced by up to 80% with corresponding savings in costs.

Regular reports and status updates regarding this progress are provided to the Commissioners.

Where do we want to be in the future?

The HRC will continue to expand its use of restorative principles and its communication of

them to the public, government and stakeholders. The current internal dispute resolution policy is based upon restorative principles and it is anticipated that this will form a model for other government departments and agencies. Our future work which employs the use of restorative principles, both internal and external, will be informed by a rigorous evaluation of the restorative approach which is currently in the planning stage and soon will move to implementation.

Priority #3:

Outcome: Advancing Human Rights Dialogue and Practices

Measures:

a) Engaged and committed human rights consumers
b) Commission work communicated through academic papers and conferences
c) Internal and external communications plans created
d) Contact made with other communications officers

What do these measures tell us?

Promotion of human rights is an integral part of the Commission's mandate. Effective communication of the human rights message is critical to the ultimate goal of advancing human rights dialogue and practices and engaging the general public, partners and stakeholders.

Where are we now?

The HRC continued to host, co-sponsor and participate in several human rights conferences and events including the March 21 events commemorating the International Day for the Elimination of Racial Discrimination held both in Halifax and in Sydney. Its celebration of Human Rights Day on December 10 was held in Prospect and was well attended by students, academics and other human rights supporters.

The Consumer Racial Profiling report released in May of 2013 is of academic quality both in substance and in the quantitative approach taken in its preparation and will underpin the further work that will continue on this important issue.

The Commission continues to advance restorative principles as part of the human rights agenda in all aspects of our work was undertaken by all units at the Commission.

Once again the Commission gratefully acknowledges the support of CNS and the Department of Justice communications staff for their support.

The HRC began to develop both internal and external communications plans in the prior fiscal year and work continues in this regard. It is anticipated that the Commission will benefit from the services of a dedicated full-time communications advisor beginning in the

next fiscal year. The intention is that a comprehensive communications plan will be in place by the end of the next fiscal.

Where do we want to be in the future?

Advancing human rights dialogue and practices will always be an ongoing undertaking. Good communications practice will continue to be a priority for the HRC. In the next fiscal year the Commission will continue its promotion of human rights and will strengthen the way our work is communicated to the public.

This accountability report provides a very brief overview of the work of the Nova Scotia Human Rights Commission. More information about our work is available by visiting our website at http://humanrights.gov.ns.ca/. Comments and feedback are also welcome. We can be reached by phone toll-free at 1-877-269-7699, and by e-mail at hrcinquiries@gov.ns.ca.